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14 Attorneys for Plaintiff
MICROSOFT CORPORATION

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 MICROSOFT CORPORATION,

19
20 Plaintiff,

21 v.

22 COREL CORPORATION AND COREL INC.,

23 Defendants.
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Case No.

**PLAINTIFF MICROSOFT
CORPORATION'S COMPLAINT FOR
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL**

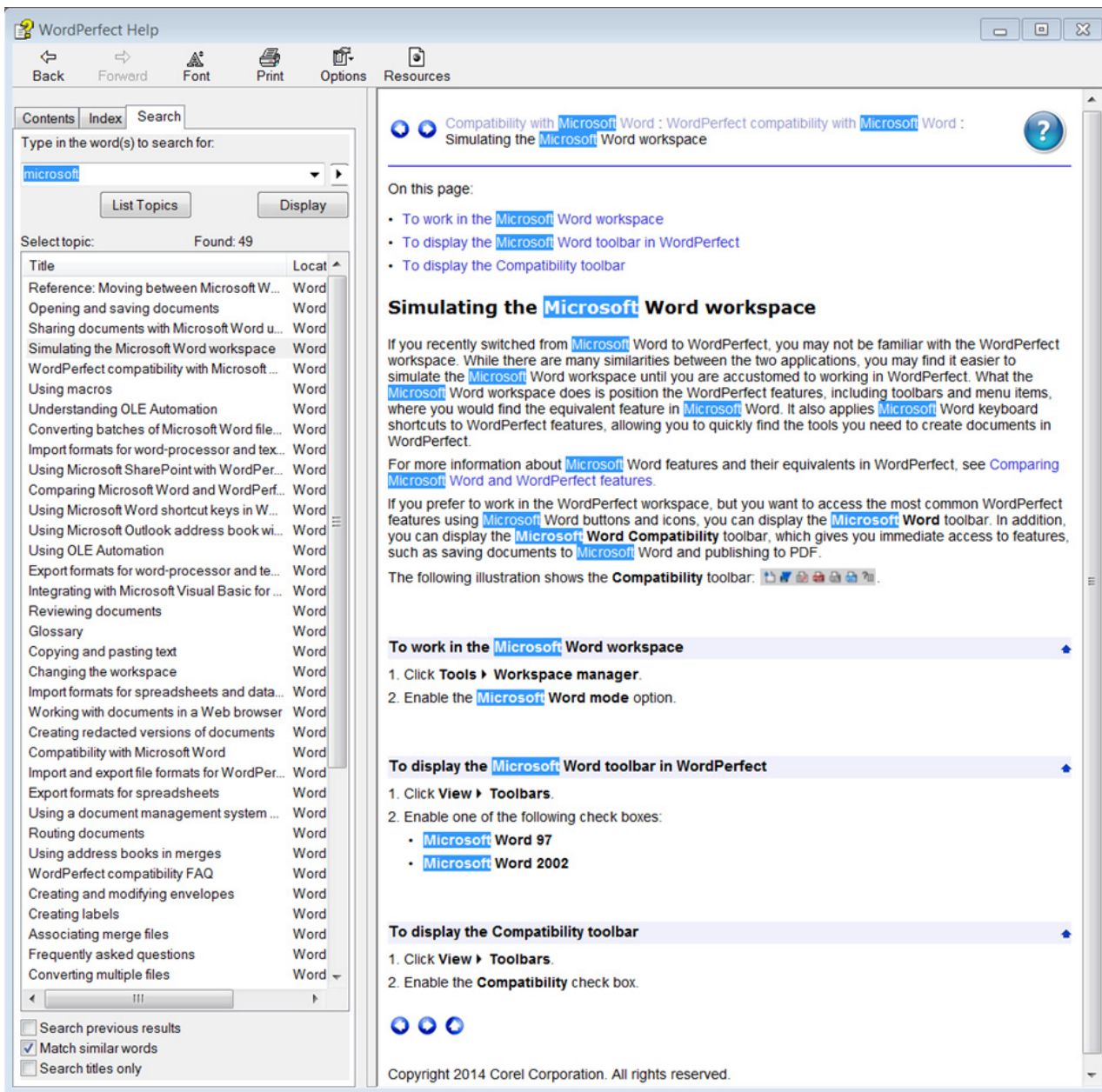
1 Plaintiff Microsoft Corporation (“Microsoft”), for its Complaint against Defendants
2 Corel Corporation and Corel Inc. (collectively “Corel” when it is not necessary to distinguish
3 between the two entities), alleges as follows:

4 **INTRODUCTION**

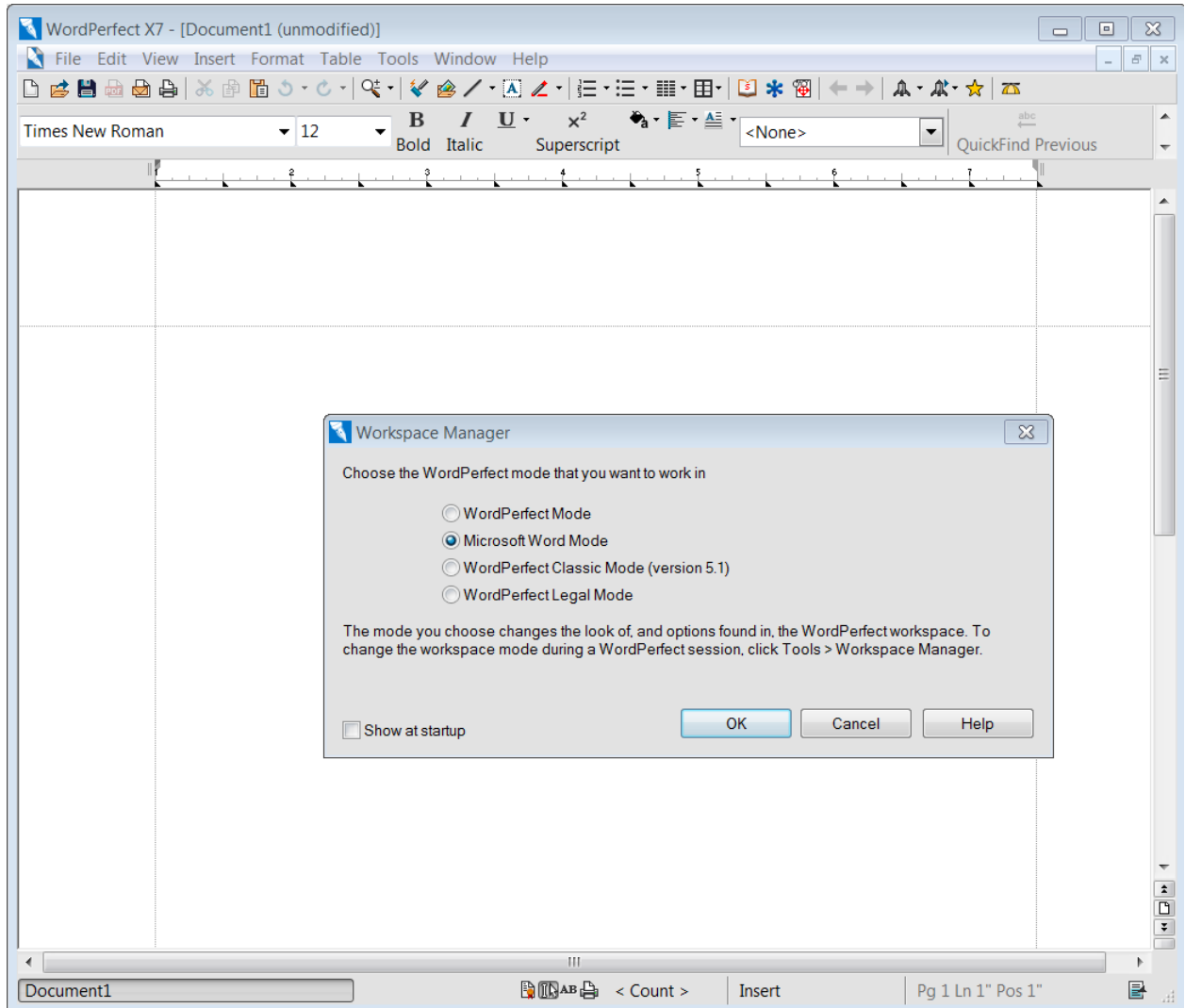
5 1. Microsoft brings this action to protect its rights and investment in its innovations
6 embodied in utility U.S. Patent Nos. 8,255,828 (“the ’828 patent”), 7,703,036 (“the ’036 patent”),
7 7,047,501 (“the ’501 patent”), 5,715,415 (“the ’415 patent”), 5,510,980 (“the ’980 patent”) and
8 design U.S. Patent Nos. D550,237 (“the D’237 patent”), D554,140 (“the D’140 patent”),
9 D564,532 (“the D’532 patent”), and D570,865 (“the D’865 patent,” collectively “the Microsoft
10 Asserted Patents”), copied by Corel into its infringing products.

11 2. The Microsoft Asserted Patents are directed to, among other things, graphic user
12 interfaces used in productivity software applications, such as Microsoft Office. Microsoft has
13 given its interfaces, including menus and toolbars, a distinctive look and feel. The Microsoft
14 interfaces are recognizable and enjoy substantial goodwill. For example, Microsoft has introduced
15 and publicized the Microsoft Ribbon—a horizontal display of easily accessible and logically
16 grouped controls whose layout can be dynamically adjusted based on the screen size or object of
17 the program.

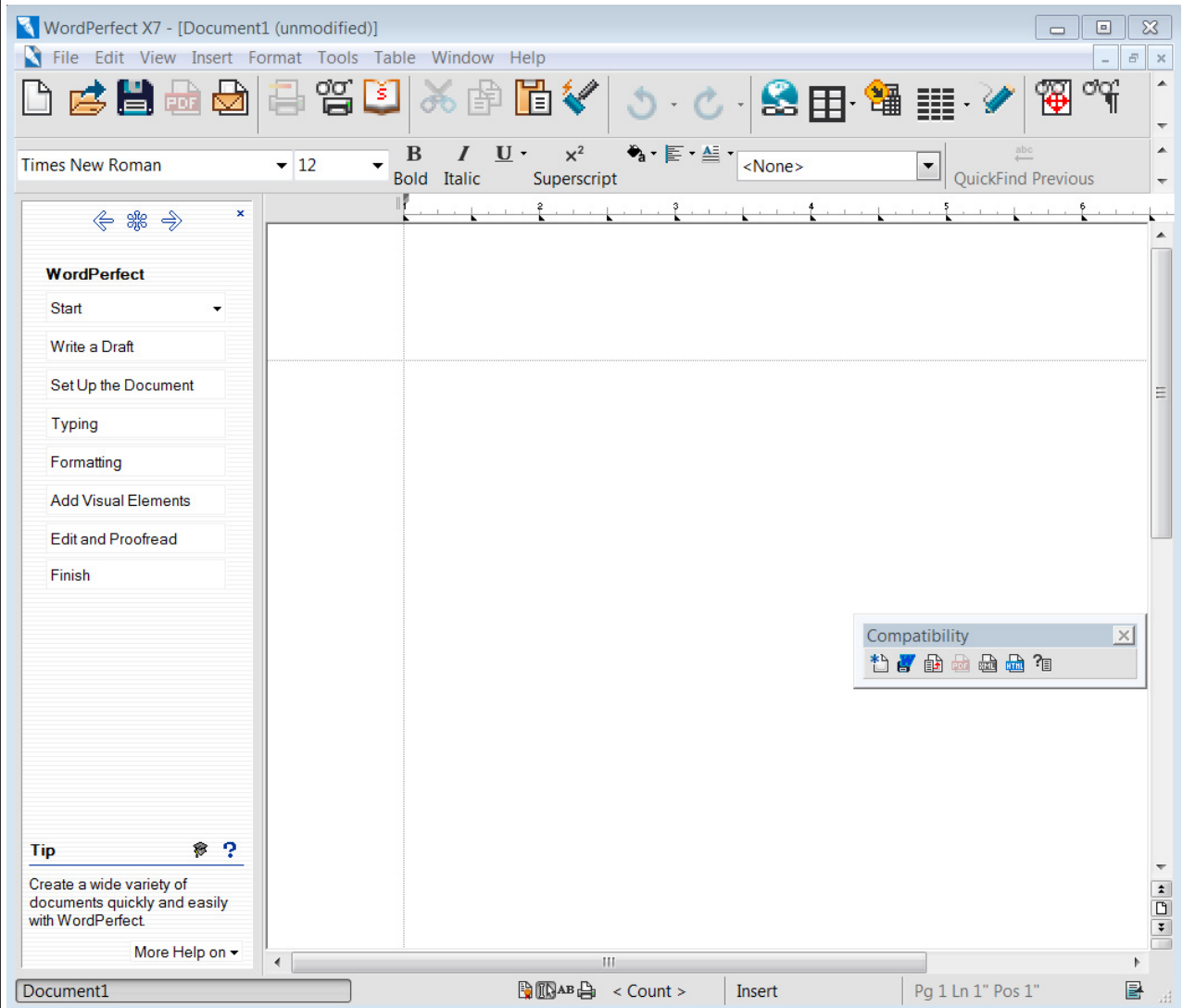
18 3. Corel has copied the look and feel of the Microsoft interfaces in its accused
19 products. Among many examples, Help for WordPerfect X7 suggests that the user “simulate the
20 Microsoft Word workspace until you are accustomed to work in WordPerfect”:
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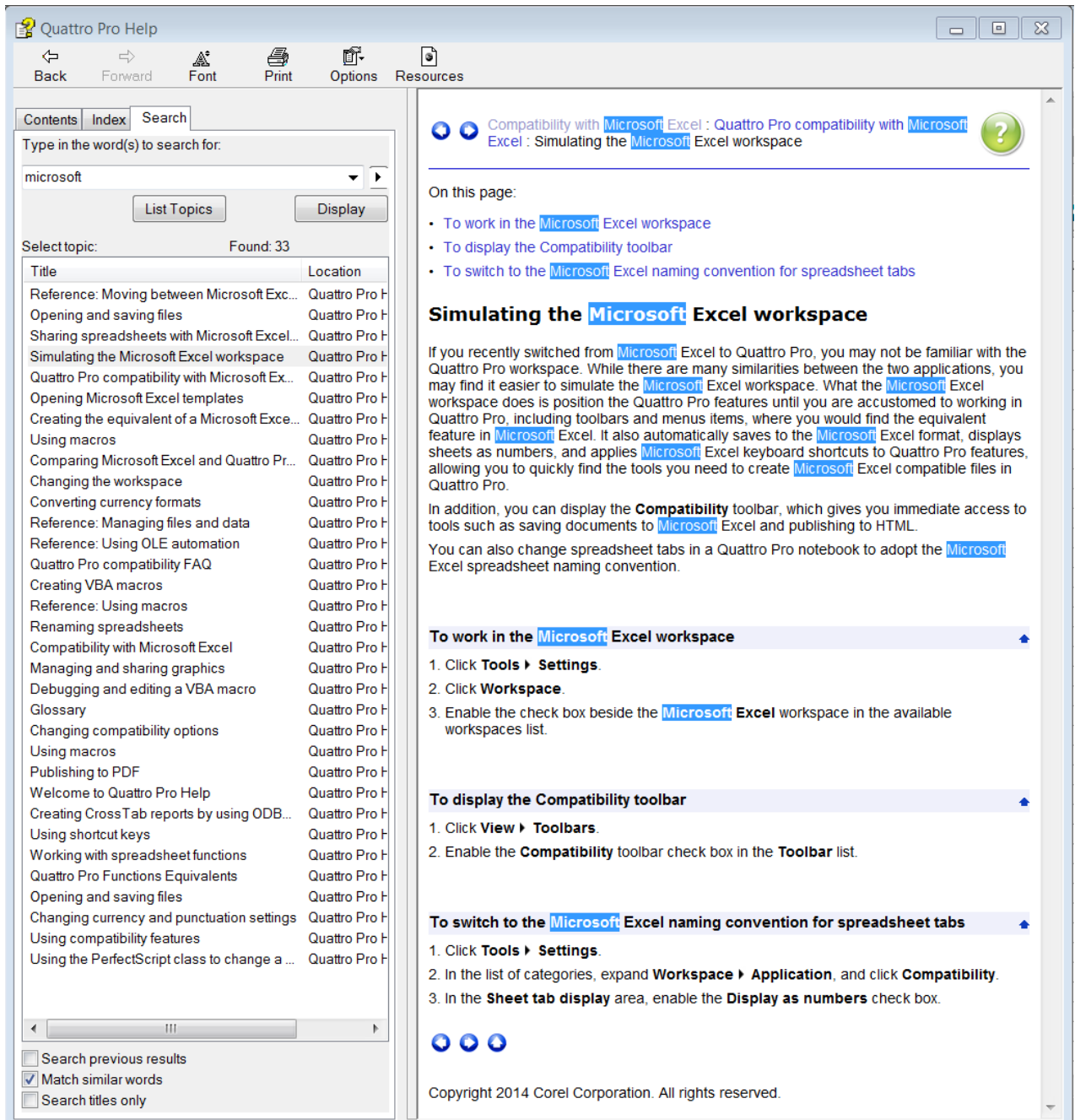
4. WordPerfect X7 offers an option to use it in the “Microsoft Word mode”:



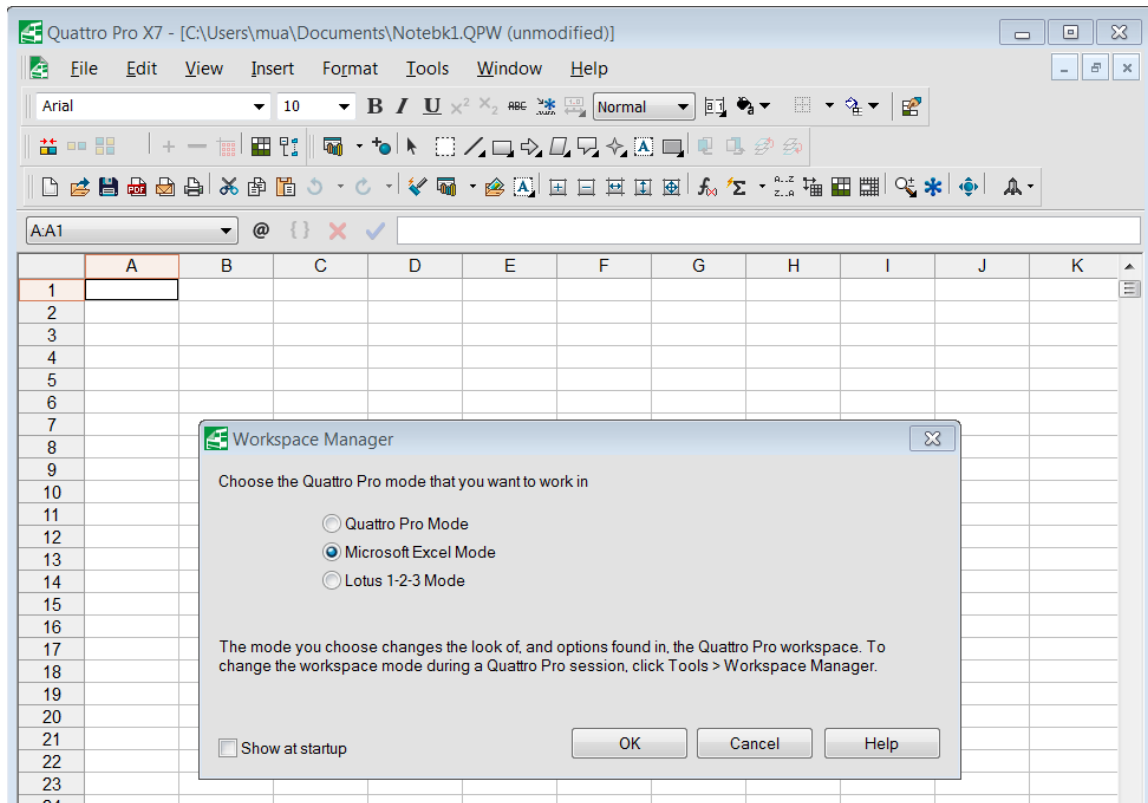
5. While in the Microsoft Word mode, WordPerfect X7 simulates the Microsoft Word workspace by copying the look and feel of the Microsoft user interface:



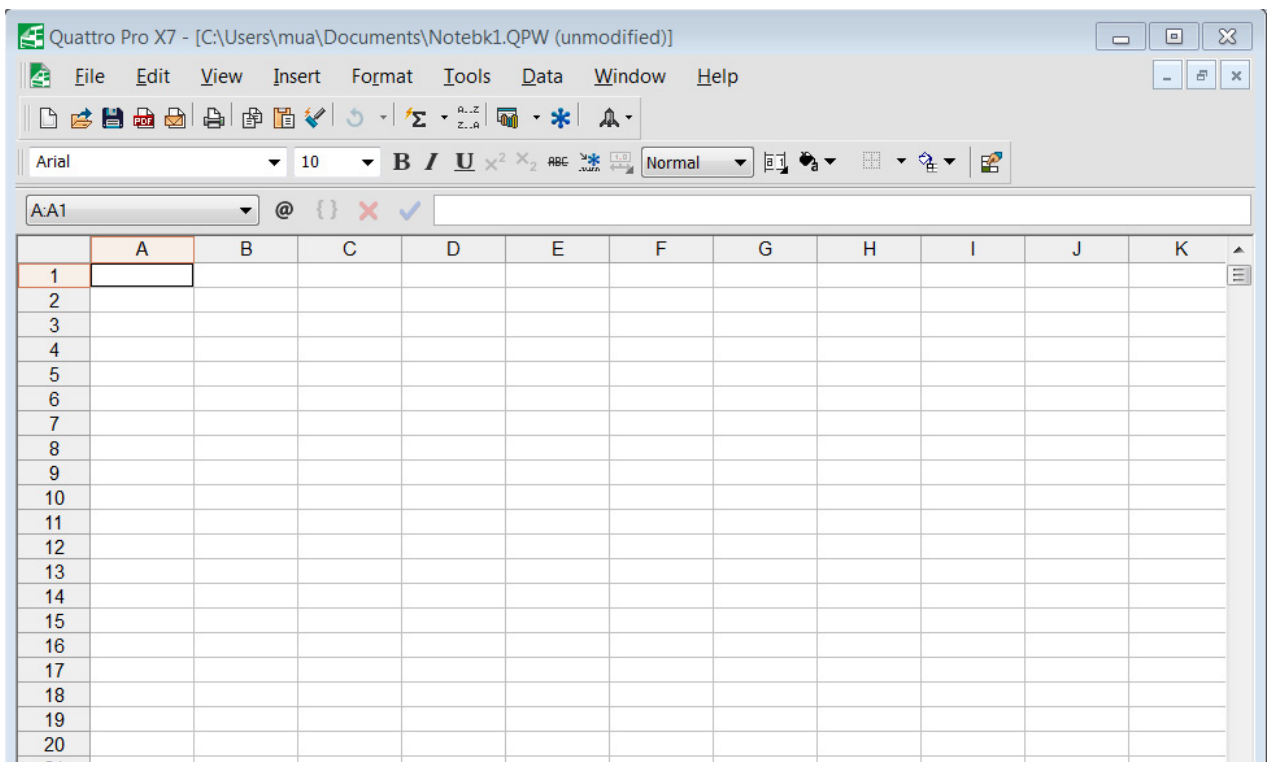
6. As another example, Help for Quattro Pro X7 suggests that the user “simulate the Microsoft Excel workspace ... until you are accustomed to working in Quattro Pro”:



7. Quattro Pro X7 offers the option to use it in the Microsoft Excel mode:



8. While in the Microsoft Excel Mode, Quattro Pro X7 simulates the Microsoft Excel workspace by copying the look and feel of the Microsoft Excel user interface:



9. Corel's advertising makes the copied Microsoft interfaces one of the central selling points of Corel's products: "With a familiar Ribbon-style interface, Corel® Office looks like the office software you're used to, making it easy to get to work right away."

<http://www.wordperfect.com/us/product/corel-office-software/>

Built-in PDF creation

Save your files in PDF format directly from Corel Office. No need to buy extra software!

Familiar workspace

Pick your preferred workspace so you instantly feel comfortable and start working productively. Choose between wide, ribbon-style toolbars or familiar regular-sized toolbars.

Multilingual workspace

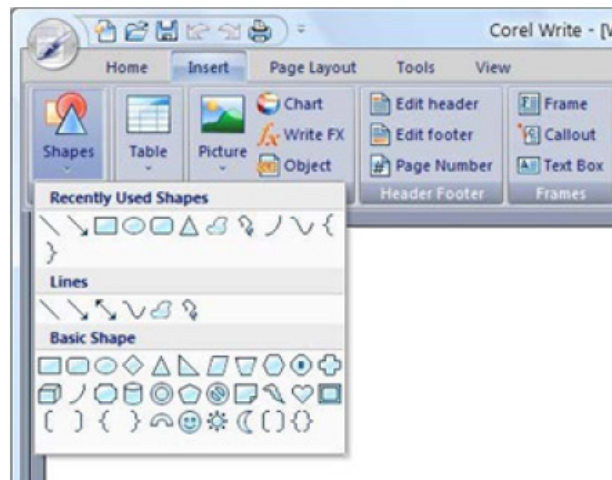
Change menus, toolbars and help topics to multiple languages at the click of a button.

Customizable color scheme

Have fun changing the background color of your workspace, pages and toolbars to suit your mood.

Built-in Help

Get help with the click of a button so you can master Corel Office and get your work done quickly.



<http://www.wordperfect.com/us/product/corel-office-software/?showdialog=freeTrial¤cy=en-US#tab3>

10. Corel has thus deliberately capitalized on the ready familiarity and rich functionality of the Microsoft interfaces and has taken advantage of Microsoft's years of effort and hundreds of millions of dollars of investment in those interfaces.

11. Microsoft has warned Corel on multiple occasions regarding its blatant copying of the Microsoft interfaces. Despite those warnings, Corel has continued its infringement unabated. Corel's own actions are thus directly responsible for this lawsuit.

PARTIES

12. Microsoft Corporation is a Washington corporation with a principal place of business at One Microsoft Way, Redmond, Washington 98052-6399.

13. On information and belief, Corel Corporation is a Canadian corporation with a principal place of business at 1600 Carling Avenue Ottawa, Ontario, Canada K1Z 8R7. Corel Corporation is in the business of making, selling, offering to sell, importing, licensing, and/or distributing software.

14. On information and belief, Corel Inc. is a Delaware corporation that has a principal place of business at 385 Ravendale Drive, Mountain View, California 94043 and states its address as 1600 Carling Avenue Ottawa, Ontario, Canada K1Z 8R7. Corel Inc. is in the business of making, selling, offering to sell, importing, licensing, distributing software and/or providing customer support or training.

JURISDICTION AND VENUE

15. This is an action for patent infringement, over which this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has personal jurisdiction over Corel Corporation for at least the following reasons: (i) Corel Corporation has committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in this District and continues to do so; (ii) Corel Corporation regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from products and/or services provided to individuals in this District and in this State; and (iii) Corel Corporation has purposefully established substantial, systematic and continuous contacts with this District and expects or should reasonably expect to be subjected to this Court's jurisdiction.

17. This Court has personal jurisdiction over Corel Inc. for at least the following reasons: (i) Corel Inc. has committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in this District and continues to do so; (ii) Corel Inc. regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from products and/or services provided to individuals in this District

1 and in this State; (iii) Corel Inc. has purposefully established substantial, systematic and
 2 continuous contacts with this District and expects or should reasonably expect to be subjected to
 3 this Court's jurisdiction; and (iv) Corel Inc. has designated an agent for service of process in the
 4 State of California.

5 18. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 (b)-(c) and
 6 1400(b) because Corel does business in the State of California and in this District, has committed
 7 acts of infringement in this State and in this District, is subject to personal jurisdiction in this
 8 District, and a substantial part of the events or omissions giving rise to this claim has occurred in
 9 this District.

10 **INTRADISTRICT ASSIGNMENT**

11 19. Pursuant to Civil L.R. 3-2(c), this case is appropriate for assignment on a district-
 12 wide basis because this is an Intellectual Property Action.

13 **FACTUAL BACKGROUND**

14 **A. Microsoft and Corel**

15 20. Microsoft is a technology company whose mission is to empower every person and
 16 every organization on the planet to achieve more. Founded in 1975, Microsoft operates worldwide
 17 and has offices in more than 100 countries. Microsoft develops, licenses, and supports a wide
 18 range of software products, services, and devices that deliver new opportunities, greater
 19 convenience, and enhanced value to people's lives. Microsoft offers an array of services to
 20 consumers and businesses. Microsoft's products include the Windows operating system and
 21 Microsoft Office, among many others.

22 21. Corel Corporation is a Canadian corporation founded in 1985. Corel initially sold
 23 CorelDRAW, a graphics editor. Over the following decades, Corel acquired more editing
 24 programs and a variety of other software. In 1996, Corel acquired from Novell Inc. the
 25 WordPerfect word-processor, Quattro Pro spreadsheet (originally developed by Borland), and the
 26 PerfectOffice application suite of productivity software. In 2004, Corel purchased Jasc Software,
 27 including its graphics editor Paint Shop Pro. In 2006, Corel acquired Ulead, including its digital
 28

1 video editor VideoStudio. On information and belief, Corel licensed the Corel Home Office from
2 a vendor.

3 **B. The Microsoft Asserted Patents**

4 22. The invention of Microsoft's '828 patent is related to one aspect of the Microsoft
5 Ribbon. The invention allows the computer to display controls logically grouped by tabs, and to
6 adjust the layout based on the size of the screen.

7 23. The invention of Microsoft's '036 patent focuses on another aspect of the
8 Microsoft Ribbon. Editing certain objects within a program, for example a picture or a table, may
9 require access to numerous features specific to that type of editing. The invention automatically
10 makes controls particular to that object visibly available while the user is working on it.

11 24. Commands on a graphic user interface may be contained in (i) menus which
12 typically display commands through words and require the user to open the right drop-down
13 menu, find and select the needed menu item, or (ii) in toolbars, which display commands through
14 icons and make them accessible with one click, but may require more screen space. The invention
15 of Microsoft's '501 patent allows users to customize command organization by letting the user
16 drag and drop commands anywhere the user chooses.

17 25. Users often welcome helpful instructions or suggestions while working in an
18 application. The invention of Microsoft's '415 patent conveniently makes the Help pane part of
19 the active application window for easy access and learning without disrupting the application
20 focus.

21 26. Spreadsheet programs, such as Microsoft Excel, allow users to perform calculations
22 by using functions—pre-written formulas that perform operations on the data in the spreadsheet.
23 Using a function may require the user to go through several steps of manually selecting the cells
24 with data and entering the appropriate functions. To simplify and speed up this process, the
25 invention of Microsoft's '980 patent automatically searches the cells surrounding a cell containing
26 a sum function and performs the function on appropriate data.

27 27. The D'237, D'140, D'532, and D'865 design patents cover distinctive ornamental
28 designs for parts of Microsoft user interfaces, including the Microsoft Ribbon.

1 28. Microsoft owns all rights, titles, and interests in and to the Microsoft Asserted
2 Patents, including the exclusive right to bring suit with respect to any past, present, and future
3 infringement.

4 29. Each of the Microsoft Asserted Patents is valid and enforceable.

5 **C. Corel's Knowledge of the Microsoft Asserted Patents**

6 **1. Knowledge of the Microsoft Ribbon patents**

7 30. The Microsoft Asserted '828, '036, D'237, D'140, D'532, and D'865 Patents relate
8 to the Microsoft Ribbon technology and design.

9 31. On October 8, 2009, in Redmond, WA, several members of Microsoft management
10 met with Jimi Duff, Corel's Microsoft Alliance manager; and Graham Brown, Corel's Chief
11 Technical Officer, who joined by teleconference. During the meeting Microsoft raised its
12 concerns regarding potential violation of Microsoft's intellectual property rights by Corel's
13 unlicensed use of the Microsoft Ribbon technology and design in the Corel Home Office.

14 32. In November 2009, Microsoft spoke with Corel about the same issues again. Four
15 individuals from Corel participated by telephone, including Corel's in-house counsel and Vice-
16 President of Engineering. Microsoft reiterated its concerns regarding Corel's violation of
17 Microsoft's patent rights related to the Microsoft Ribbon and the need for Corel to license the
18 patents if Corel wanted to use the Microsoft technology.

19 33. In February 2010, Microsoft contacted Eleanor Lacy, Corel's new General
20 Counsel. Microsoft requested an introduction to the vendor that had developed and was licensing
21 Corel Home Office to Corel, so that Microsoft could discuss intellectual property issues and the
22 Windows Ribbon Framework opportunity with the vendor.

23 34. In March 2010, Microsoft reached out to Eleanor Lacy again, but received no
24 response.

25 35. After Microsoft repeatedly contacted Corel, including Corel's technology officers
26 and in-house counsel, about potential infringement of the Microsoft patent rights, on information
27 and belief, Corel reviewed Microsoft's related patents and applications.
28

1 36. On information and belief, Corel was aware that Microsoft's licensing program for
2 the Microsoft Office User Interface contained a specific exclusion for competitors' use of that
3 interface:

4 There's only one limitation: if you are building a program which directly competes with Word, Excel, PowerPoint,
5 Outlook, or Access (the Microsoft applications with the new UI), you can't obtain the royalty-free license.

6 Why this exclusion?

7 Microsoft spent hundreds of millions of dollars on the research, design, and development of the new Office user
8 interface.

9 We're allowing developers to license this intellectual property and take advantage of these advances in user
10 interface design without any fee whatsoever.

11 But we want to preserve the innovation for Microsoft's productivity applications that are already using the new
12 UI.

13 [http://blogs.msdn.com/b/jensenh/archive/2006/11/21/licensing-the-2007-microsoft-office-user-](http://blogs.msdn.com/b/jensenh/archive/2006/11/21/licensing-the-2007-microsoft-office-user-interface.aspx)
14 [interface.aspx](http://blogs.msdn.com/b/jensenh/archive/2006/11/21/licensing-the-2007-microsoft-office-user-interface.aspx). Information about the terms of this licensing program was included with Microsoft
15 products and was publicly available since at least 2006. On information and belief, since at least
16 2006, Corel knew of this policy and this exclusion and knew that Corel needed a license to the
17 patents related to Microsoft interfaces if Corel wanted to use those interfaces in its products.

18 37. On information and belief, Corel was therefore aware, prior to the filing of this
19 lawsuit, of at least the '828, '036, D'237, D'140, D'532, and D'865 Patents that relate to the
20 Microsoft Ribbon technology and design. Alternatively, Corel was at least willfully blind as to the
21 existence of these patents.

22 2. Knowledge of Microsoft's Patent Portfolio

23 38. Corel is a competitor of Microsoft in the market for productivity applications,
24 including word processors, spreadsheets, and presentation programs.

25 39. On information and belief, Corel possesses the expertise required to understand the
26 scope of inventions claimed in the Microsoft Asserted Patents and patents related to graphic user
27 interfaces.

28 40. On information and belief, Corel has followed Microsoft's patent portfolio related
to productivity applications as Microsoft has obtained its patents.

1 41. On information and belief, Corel reviewed each published application, if one was
2 published, for each of the Microsoft Asserted Patents promptly upon its publication, followed up
3 on the application to find out if it issued as a patent, and reviewed the specification and claims of
4 each of the Microsoft Asserted Patents promptly upon its issuance. Alternatively, Corel was at
5 least willfully blind as to the existence of the Microsoft Asserted Patents.

6 **3. Knowledge of the '828 patent**

7 42. Provisional application No. 60/601,815 for the '828 patent was filed on August 16,
8 2004. Application No. 10/955,967 was filed on September 30, 2004 and was published as U.S.
9 Application No. 2006/0036965 on February 16, 2006. The '828 patent issued on August 28, 2012.

10 43. On information and belief, Corel has had knowledge of the pending and/or
11 published application for the '828 patent since at least February 16, 2006 (when it was published
12 as Application No. 2006/0036965) and/or October 2009—March 2010 (when Microsoft
13 approached Corel regarding its Ribbon technology), and Corel has had knowledge of the '828
14 patent since at least the date of the patent issuance on August 28, 2012. Alternatively, Corel has
15 had knowledge of the '828 patent since at least the filing of this Complaint.

16 **4. Knowledge of the '036 patent**

17 44. Provisional application No. 60/601,815 for the '036 patent was filed on August 16,
18 2004. Application No. 10/955,941 was filed on September 30, 2004 and was published as U.S.
19 Application No. 2006/0036964 on February 16, 2006. The '036 patent issued on April 20, 2010.

20 45. On information and belief, Corel has had knowledge of the pending and/or
21 published application for the '036 patent since at least February 16, 2006 (when it was published
22 as U.S. Application No. 2006/0036964) and/or October 2009—March 2010 (when Microsoft
23 approached Corel regarding its Ribbon technology), and Corel has had knowledge of the '036
24 patent since at least the date of the patent issuance on April 20, 2010. Alternatively, Corel has had
25 knowledge of the '828 patent since at least the filing of this Complaint.

26 **5. Knowledge of the '501 patent**

27 46. Corel has had knowledge of the '501 patent since at least the filing of this
28 Complaint.

6. Knowledge of the '415 patent

47. Corel has had knowledge of the '415 patent since at least the filing of this Complaint.

7. Knowledge of the '980 patent

48. The '980 patent issued on April 23, 1996. On information and belief, Corel has had knowledge of Microsoft's rights in the '980 patent since at least the date of its issuance on April 23, 1996, and no later than 2000, when the parties had confidential interactions that cannot be detailed in this public filing. As a result of these interactions, in 2000, Corel was aware that it needed a license to the '980 patent for Corel's products. Corel is also aware or should be aware that it does not currently have a license to the '980 patent.

8. Knowledge of the D'237 patent

49. The D'237 patent issued on September 4, 2007.

50. On information and belief, Corel has had knowledge of the D'237 patent since at least September 4, 2007 (the date it issued) and/or October 2009—March 2010 (when Microsoft approached Corel regarding its Ribbon technology). Alternatively, Corel has had knowledge of the D'237 patent since at least the filing of this Complaint.

9. Knowledge of the D'140 patent

51. The D'140 patent issued on October 30, 2007.

52. On information and belief, Corel has had knowledge of the D'140 patent since at least October 30, 2007 (the date it issued) and/or October 2009—March 2010 (when Microsoft approached Corel regarding its Ribbon technology). Alternatively, Corel has had knowledge of the D'140 patent since at least the filing of this Complaint.

10. Knowledge of the D'532 patent

53. The D'532 patent issued on March 18, 2008.

54. On information and belief, Corel has had knowledge of the D'532 patent since at least March 18, 2008 (the date it issued) and/or October 2009—March 2010 (when Microsoft approached Corel regarding its Ribbon technology). Alternatively, Corel has had knowledge of the D'532 patent since at least the filing of this Complaint.

11. Knowledge of the D’865 patent

55. The D’865 patent issued on June 10, 2008.

56. On information and belief, Corel has had knowledge of the D’865 patent since at least June 10, 2008 (the date it issued) and/or October 2009—March 2010 (when Microsoft approached Corel regarding its Ribbon technology). Alternatively, Corel has had knowledge of the D’237 patent since at least the filing of this Complaint.

D. Corel Infringed and Continues to Infringe Each of the Microsoft Asserted Patents

57. Corel does not currently have a license to any of the Microsoft Asserted Patents.

58. The allegations with respect to each asserted patent claim, each accused product, and each specific accused feature are exemplary. Discovery has not yet begun. Microsoft reserves the right to assert additional claims, accuse additional products, and accuse additional features.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

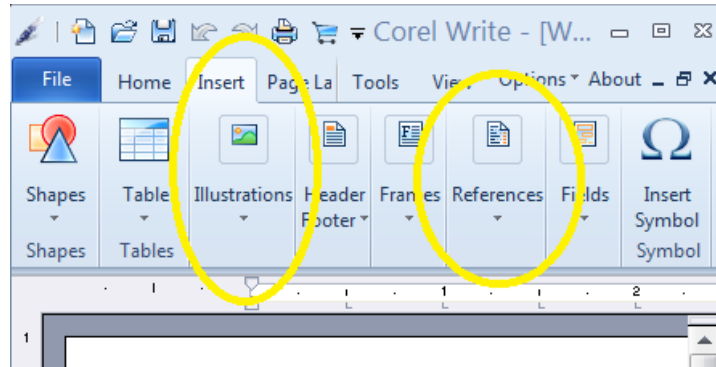
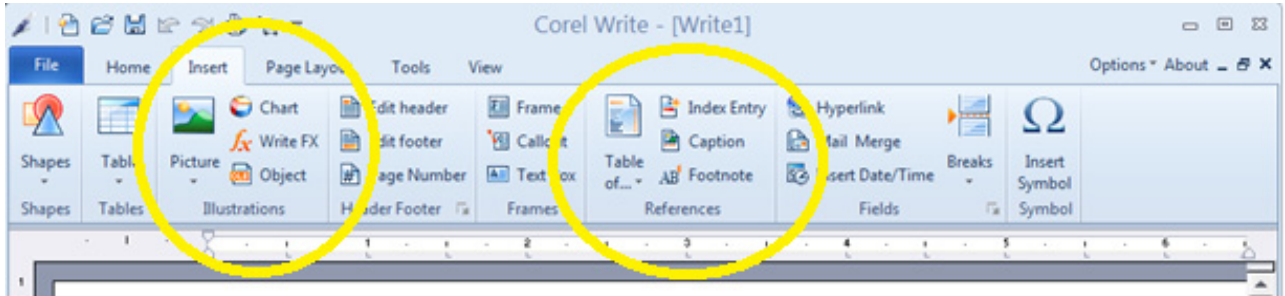
Infringement of the ’828 Patent

59. Microsoft incorporates by reference the allegations of the preceding paragraphs of its Complaint.

60. The ’828 patent is entitled “Command User Interface for Displaying Selectable Software Functionality Controls.” A true and correct copy of the ’828 patent is attached to this Complaint as Exhibit A.

61. Corel has directly infringed and continues to infringe at least claim 1 of the ’828 patent by making, using, testing, selling, licensing, offering for sale within the United States and/or importing into the United States at least the following products: Corel Home Office, including Corel Write, Corel Calculate, and Corel Show, and CorelCAD 2014 - 2016 (collectively “the ’828 Accused Products”).

62. The ’828 Accused Products provide Ribbon menus with logically grouped controls whose layout can be dynamically adjusted, for example as shown below:



63. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '828 Accused Products on such devices, have infringed and continue to infringe at least claim 1 of the '828 patent. Corel is and has been aware of these activities and infringement.

64. Corel has knowingly induced and continues to induce users of computing devices to infringe the '828 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*, <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office which includes Corel Write, Corel Calculate, and Corel Show); <http://www.corel.com/us/free-trials/?hptrack=mmtry> ("Try Corel software for free. No risk. No obligation. No credit card required!"); <http://www.corel.com/us/support/?hptrack=mmsup> ("Corel Customer Service can assist you with orders, product registration, and any questions you may have."); <http://learn.corel.com/?hptrack=mmlrn> ("You'll love these tips & tutorials").)

65. Corel has contributed and continues to contribute to the infringement of the '828 patent by users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '828 Accused Products on such devices, by providing the software and related documentation, materials, marketing, advertising, training or support. For example, each of the '828 Accused Products provides Ribbon menus with logically grouped controls whose layout can be dynamically adjusted and constitutes a material part of the invention of the '828 patent. Corel knows and has known that this functionality is especially made or especially adapted for use in the infringement of the '828 patent, and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

66. Corel's infringement is and has been willful, deliberate and intentional. On information and belief, Corel had pre-suit knowledge of the Microsoft '828 patent no later than August 28, 2012 and deliberately copied the above-described patented functionality into its products. To attract customers, Corel's advertising emphasizes that Corel products mimic the Ribbon interfaces of Microsoft products. Corel products suggest that customers simulate the look and feel of Microsoft user interfaces. Corel has acted and continues to act in disregard of an objectively high likelihood that its actions constituted direct and indirect infringement of a valid patent, and knew or should have known of that objectively high risk.

SECOND CLAIM FOR RELIEF

Infringement of the '036 Patent

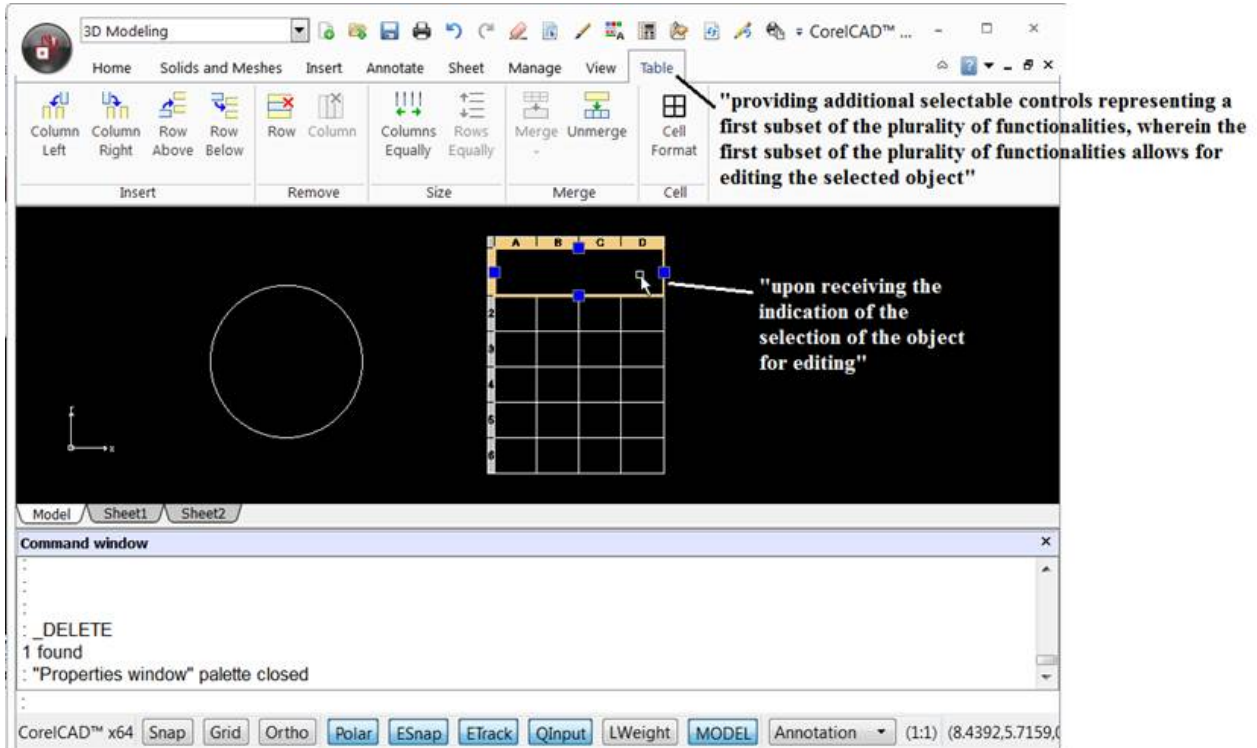
67. Microsoft incorporates by reference the allegations of the preceding paragraphs of its Complaint.

68. The '036 patent is entitled "User Interface for Displaying Selectable Software Functionality Controls that Are Relevant to a Selected Object." A true and correct copy of the '036 patent is attached to this Complaint as Exhibit B.

69. Corel has directly infringed and continues to infringe at least claim 1 of the '036 patent by making, using, testing, selling, licensing, offering for sale within the United States and/or importing into the United States at least the following products: Corel Home Office,

including Corel Write, Corel Calculate, and Corel Show, and CorelCAD 2015 – 2016 (collectively “the ’036 Accused Products”).

70. The ’036 Accused Products provide Ribbon menus with logically grouped controls that provide additional controls upon selection of an object for editing, for example as shown below:



71. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the ’036 Accused Products on such devices, have infringed and continue to infringe at least claim 1 of the ’036 patent. Corel is and has been aware of these activities and infringement.

72. Corel has knowingly induced and continues to induce users of computing devices to infringe the ’036 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (See, e.g., <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office

1 which includes Corel Write, Corel Calculate, and Corel Show); [http://www.corel.com/us/free-](http://www.corel.com/us/free-trials/?hptrack=mmtry)
2 [trials/?hptrack=mmtry](http://www.corel.com/us/free-trials/?hptrack=mmtry) (“Try Corel software for free. No risk. No obligation. No credit card
3 required!”); <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can
4 assist you with orders, product registration, and any questions you may have.”);
5 <http://learn.corel.com/?hptrack=mmlrn> (“You’ll love these tips & tutorials”).)

6 73. Corel has contributed and continues to contribute to the infringement of the ’036
7 patent by users of computing devices, including, for example, desktop, laptop, and tablet
8 computers, who use, test, sell, license, offer for sale within the United States and/or import into the
9 United States the ’036 Accused Products on such devices, by providing the necessary software and
10 related documentation, materials, marketing, advertising, training or support. For example, each
11 of the ’036 Accused Products contains Ribbon menus with logically grouped controls that provide
12 additional controls upon selection of an object for editing and constitutes a material part of the
13 invention of the ’036 patent. Corel knows and has known that this functionality is especially made
14 or especially adapted for use in the infringement of the ’036 patent, and is not a staple article or
15 commodity of commerce suitable for substantial noninfringing use.

16 74. Corel’s infringement is and has been willful, deliberate and intentional. On
17 information and belief, Corel had pre-suit knowledge of the Microsoft ’036 patent since at least
18 October 2009—March 2010 and no later than April 20, 2010 and deliberately copied the above-
19 described patented functionality into its products. To attract customers, Corel’s advertising
20 emphasizes that Corel products mimic the Ribbon interfaces of Microsoft products. Corel
21 products suggest that customers simulate the look and feel of Microsoft user interfaces. Corel has
22 acted and continues to act in disregard of an objectively high likelihood that its actions constituted
23 direct and indirect infringement of a valid patent, and knew or should have known of that
24 objectively high risk.

25 **THIRD CLAIM FOR RELIEF**

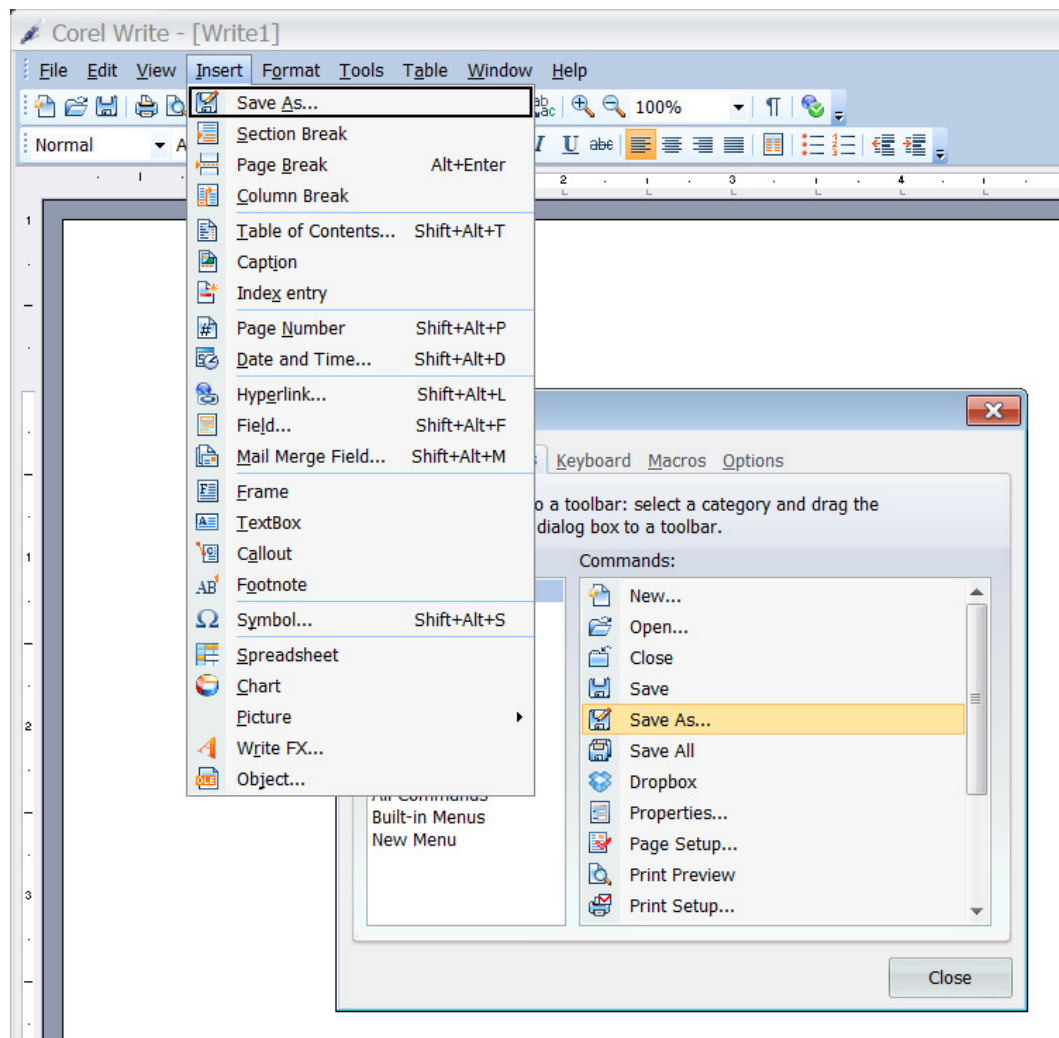
26 **Infringement of the ’501 Patent**

27 75. Microsoft incorporates by reference the allegations of the preceding paragraphs of
28 its Complaint.

76. The '501 patent is entitled "Method for Displaying Controls in a System Using a Graphical User Interface." A true and correct copy of the '501 patent is attached to this Complaint as Exhibit C.

77. Corel has directly infringed and continues to infringe at least claim 9 of the '501 patent by making, using, testing, selling, licensing, offering for sale within the United States and/or importing into the United States at least the following products: Corel Home Office, including Corel Write, Corel Calculate, and Corel Show; CorelDRAW X7; and WordPerfect Office X5 and X7, including WordPerfect X5 and X7, Quattro Pro X5 and X7, and Presentations X5 and X7 (collectively "the '501 Accused Products").

78. The '501 Accused Products allow the user to customize a command bar by dragging and dropping controls from a list, for example as shown below:



79. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '501 Accused Products on such devices, have infringed and continue to infringe at least claim 9 of the '501 patent. Corel is and has been aware of these activities and infringement since at least the filing of this Complaint.

80. Corel induces users of computing devices to infringe the '501 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*, <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office which includes Corel Write, Corel Calculate, and Corel Show); <http://www.corel.com/us/free-trials/?hptrack=mmtry> ("Try Corel software for free. No risk. No obligation. No credit card required!"); <http://www.corel.com/us/support/?hptrack=mmsup> ("Corel Customer Service can assist you with orders, product registration, and any questions you may have."); <http://learn.corel.com/?hptrack=mmllrn> ("You'll love these tips & tutorials").)

81. Corel contributes to the infringement of the '501 patent by users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '501 Accused Products on such devices, by providing the necessary software and related documentation, materials, marketing, advertising, training or support. For example, each of the '501 Accused Products allows to customize a command bar by dragging and dropping controls from a list and constitutes a material part of the invention of the '501 patent. Corel knows that this functionality is especially made or especially adapted for use in the infringement of the '501 patent, and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

FOURTH CLAIM FOR RELIEF

Infringement of the '415 Patent

82. Microsoft incorporates by reference the allegations of the preceding paragraphs of its Complaint.

83. The '415 patent is entitled "Computer Application with Help Pane Integrated into

1 Workspace.” A true and correct copy of the ’415 patent is attached to this Complaint as Exhibit D.

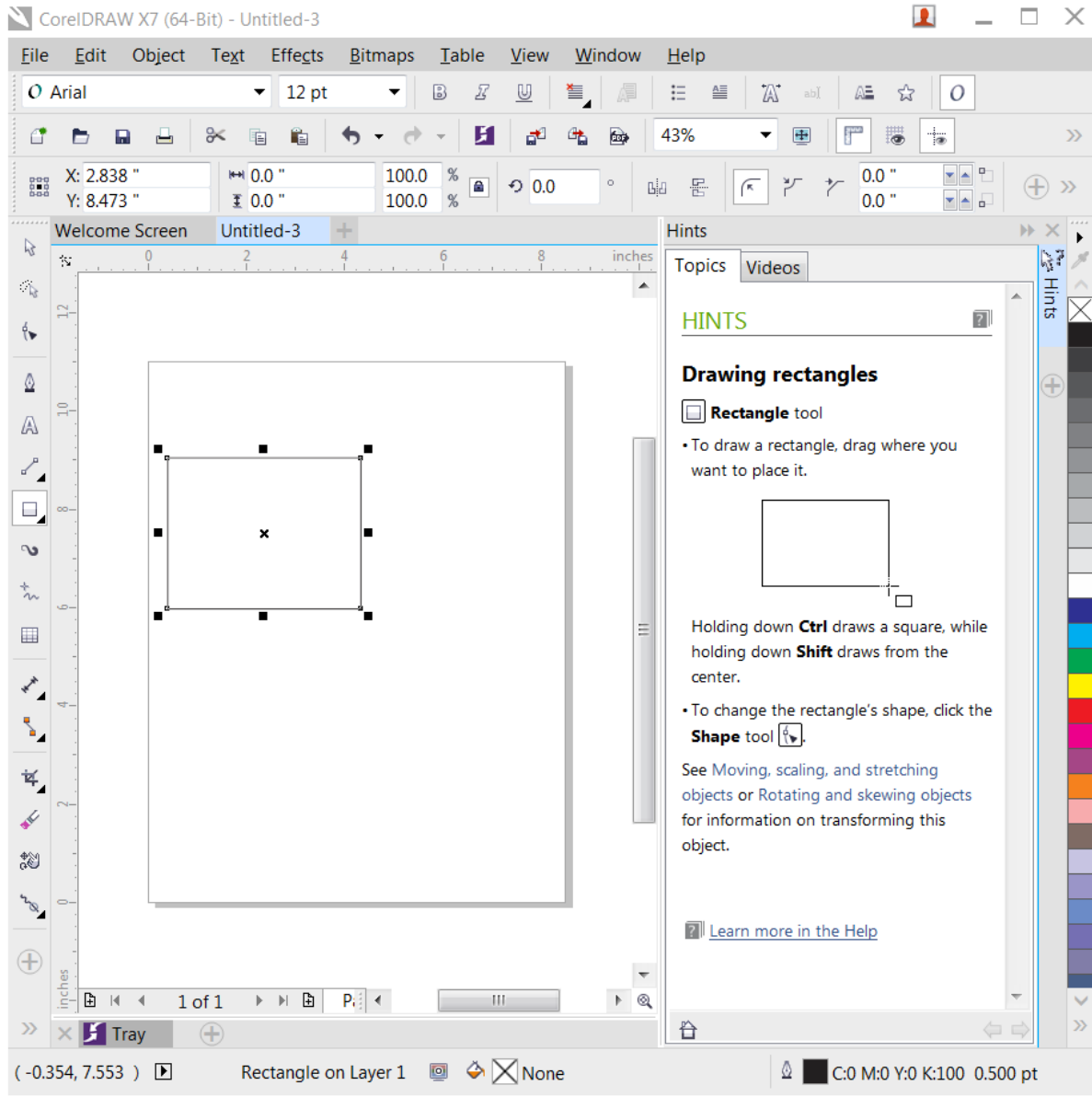
2 84. Corel has directly infringed and continues to infringe at least claims 1-2, 8, and 10
3 of the ’415 patent by making, using, testing, selling, licensing, offering for sale within the United
4 States and/or importing into the United States at least the following products: Word Perfect X5
5 and X7.

6 85. Corel has directly infringed and continues to infringe at least claims 1-3, 8, and 10
7 of the ’415 patent by making, using, testing, selling, licensing, offering for sale within the United
8 States and/or importing into the United States at least the following products: CorelDRAW X7.

9 86. Corel has directly infringed and continues to infringe at least claim 3 of the ’415
10 patent by making, using, testing, selling, licensing, offering for sale within the United States
11 and/or importing into the United States at least the following products: Presentations X7.

12 87. The above-listed products meeting the above-listed claims of the ’415 patent are
13 hereinafter collectively referred to as “the ’415 Accused Products.”

14 88. The ’415 Accused Products display help content in a pane that is part of the
15 application window and does not take the focus away from the window, for example as shown
16 below:



89. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '415 Accused Products on such devices, have infringed and continue to infringe at least claims 1-3, 8, and 10 of the '415 patent. Corel is and has been aware of these activities and infringement since at least the filing of this Complaint.

90. Corel induces users of computing devices to infringe the '415 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or

1 inviting use thereof. (*See, e.g.,* <http://www.corel.com/us/free-trials/?hptrack=mmtry> (“Try Corel
2 software for free. No risk. No obligation. No credit card required!”);
3 <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can assist you with
4 orders, product registration, and any questions you may have.”);
5 <http://learn.corel.com/?hptrack=mmrn> (“You’ll love these tips & tutorials”).)

6 91. Corel contributes to the infringement of the ’415 patent by users of computing
7 devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license,
8 offer for sale within the United States and/or import into the United States the ’415 Accused
9 Products on such devices, by providing the necessary software and related documentation,
10 materials, marketing, advertising, training or support. For example, each of the ’415 Accused
11 Products displays help content in a pane that is part of the application window without taking the
12 focus away from the window, and constitutes a material part of the invention of the ’415 patent.
13 Corel knows that this functionality is especially made or especially adapted for use in the
14 infringement of the ’415 patent, and is not a staple article or commodity of commerce suitable for
15 substantial noninfringing use.

16 **FIFTH CLAIM FOR RELIEF**

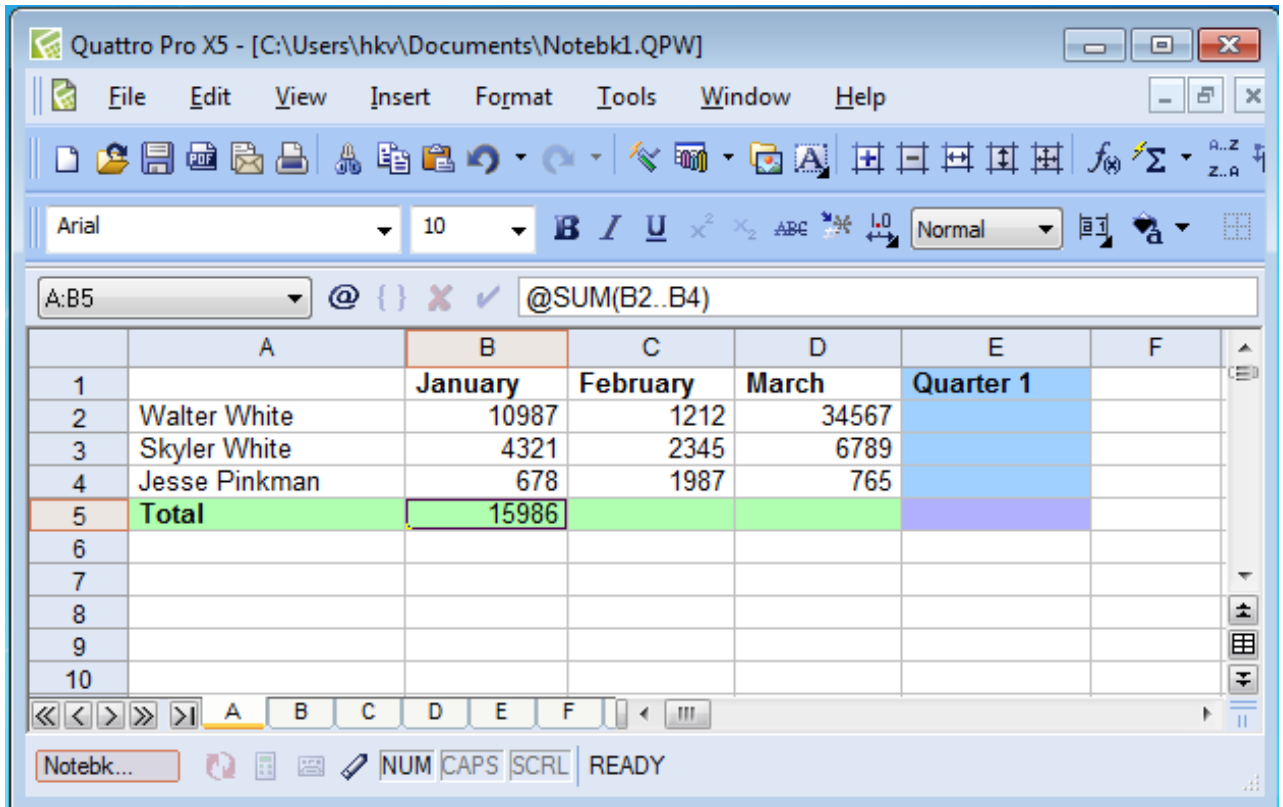
17 **Infringement of the ’980 Patent**

18 92. Microsoft incorporates by reference the allegations of the preceding paragraphs of
19 its Complaint.

20 93. The ’980 patent is entitled “Method and System for Selecting and Executing
21 Arithmetic Functions and the Like.” A true and correct copy of the ’980 patent is attached to this
22 Complaint as Exhibit E.

23 94. Corel has directly infringed at least claim 1 of the ’980 patent by making, using,
24 testing, selling, licensing, offering for sale within the United States and/or importing into the
25 United States at least the following products: Quattro Pro X5 and Corel Calculate (“the ’980
26 Accused Products”).

27 95. The ’980 Accused Products allow the software to automatically select cells in a
28 spreadsheet to perform a sum function, for example as shown below:



96. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the '980 Accused Products on such devices, have infringed at least claim 1 of the '980 patent. Corel is and has been aware of these activities and infringement.

97. Corel has knowingly induced users of computing devices to infringe the '980 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*, http://www.wordperfect.com/static/landing_pages/16900020/QP_2.pdf ("Quattro Pro offers over 500 *functions*: built-in calculations that you can use within—or instead of—math formulas."); <http://www.corel.com/us/free-trials/?hptrack=mmtry> ("Try Corel software for free. No risk. No obligation. No credit card required!"); <http://www.corel.com/us/support/?hptrack=mmsup> ("Corel Customer Service can assist you with orders, product registration, and any questions you may have."); <http://learn.corel.com/?hptrack=mmllrn> ("You'll love these tips & tutorials").)

1 98. Corel has contributed to the infringement of the '980 patent by users of computing
 2 devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license,
 3 offer for sale within the United States and/or import into the United States the '980 Accused
 4 Products on such devices, by providing the necessary software and related documentation,
 5 materials, marketing, advertising, training or support. For example, each of the '980 Accused
 6 Products allows to automatically select cells in a spreadsheet to perform a sum function and
 7 constitutes a material part of the invention of the '980 patent. Corel knows that this functionality
 8 is especially made or especially adapted for use in the infringement of the '980 patent, and is not a
 9 staple article or commodity of commerce suitable for substantial noninfringing use.

10 99. Corel's infringement has been willful, deliberate and intentional. On information
 11 and belief, Corel had pre-suit knowledge of the Microsoft '980 patent no later than 2000 and
 12 deliberately copied the above-described patented functionality into its products. To attract
 13 customers, Corel's advertising emphasizes that Corel products mimic the graphic user interfaces
 14 of Microsoft products. Corel products suggest that customers simulate the look and feel of
 15 Microsoft user interfaces. Corel has acted in disregard of an objectively high likelihood that its
 16 actions constituted direct and indirect infringement of a valid patent, and knew or should have
 17 known of that objectively high risk.

18 **SIXTH CLAIM FOR RELIEF**

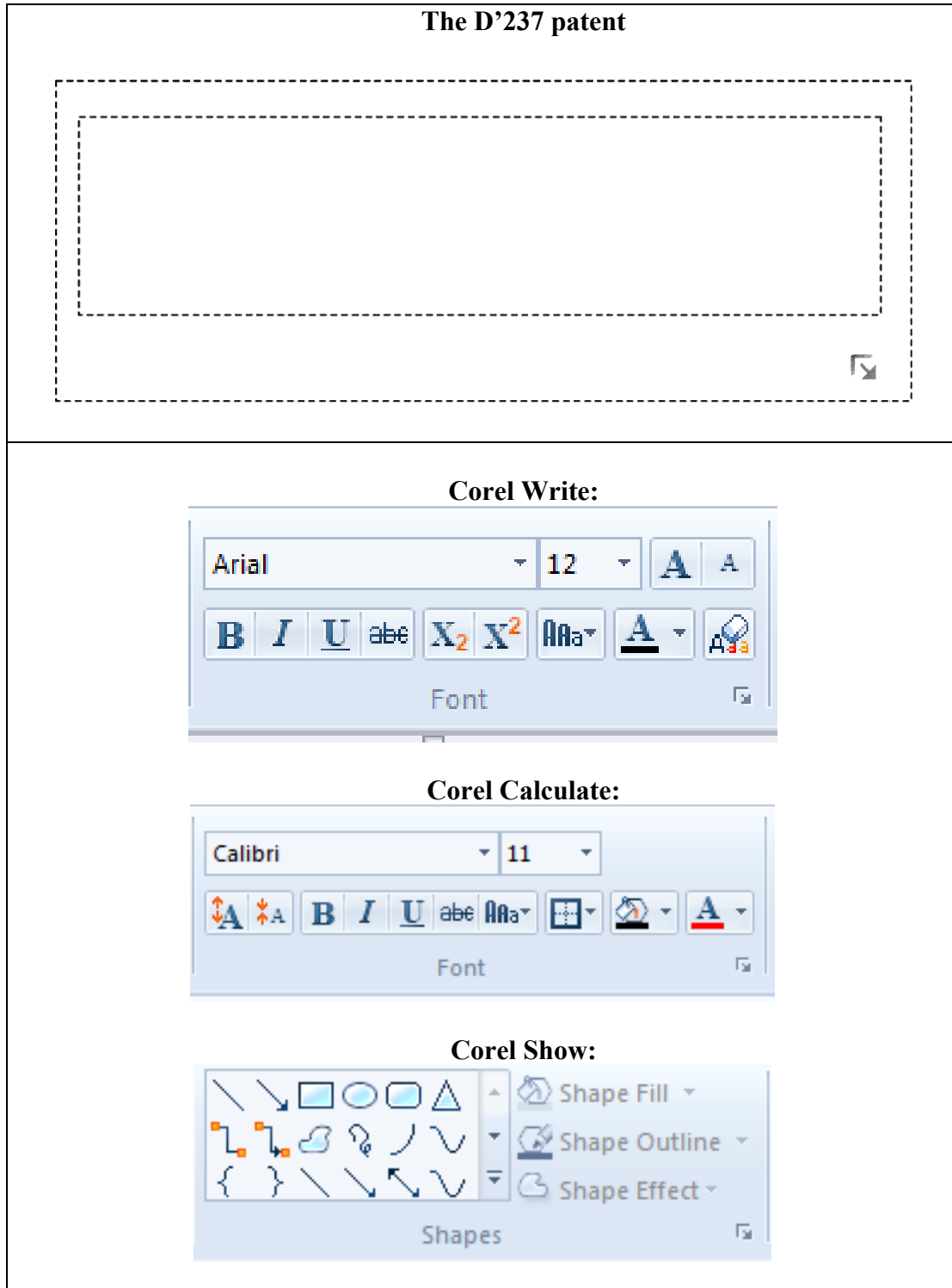
19 **Infringement of the D'237 patent**

20 100. Microsoft incorporates by reference the allegations of the preceding paragraphs of
 21 its Complaint.

22 101. The D'237 patent is entitled "User Interface for a Portion of a Display Screen." A
 23 true and correct copy of the D'237 patent is attached to this Complaint as Exhibit F.

24 102. Corel has directly infringed and continues to infringe the D'237 patent by making,
 25 using, testing, selling, licensing, offering for sale within the United States and/or importing into
 26 the United States at least the following products: Corel Home Office, including Corel Write,
 27 Corel Calculate, and Corel Show (collectively "the D'237 Accused Products"), that incorporate a
 28

1 user interface for a portion of a display screen identical to the D'237 patented design, for example
 2 as shown below:



1 103. Users of computing devices, including, for example, desktop, laptop, and tablet
2 computers, who use, test, sell, license, offer for sale within the United States and/or import into the
3 United States the D'237 Accused Products on such devices, have infringed and continue to
4 infringe the D'237 patent. Corel is and has been aware of these activities and infringement.

5 104. Corel has knowingly induced and continues to induce users of computing devices
6 to infringe the D'237 patent, including by intentionally developing, making, marketing,
7 advertising, and/or providing the software, documentation, materials, training or support and
8 aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*,
9 <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office
10 which includes Corel Write, Corel Calculate, and Corel Show); [http://www.corel.com/us/free-](http://www.corel.com/us/free-trials/?hptrack=mmtry)
11 [trials/?hptrack=mmtry](http://www.corel.com/us/free-trials/?hptrack=mmtry) (“Try Corel software for free. No risk. No obligation. No credit card
12 required!”); <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can
13 assist you with orders, product registration, and any questions you may have.”);
14 <http://learn.corel.com/?hptrack=mmlrn> (“You’ll love these tips & tutorials”).)

15 105. Corel has contributed and continues to contribute to the infringement of the D'237
16 patent by users of computing devices, including, for example, desktop, laptop, and tablet
17 computers, who use, test, sell, license, offer for sale within the United States and/or import into the
18 United States the D'237 Accused Products on such devices, by providing the necessary software
19 and related documentation, materials, marketing, advertising, training or support. For example,
20 the above-shown design included in the D'237 Accused Products is a material component of the
21 patented design. Corel knows and has known that this design is especially made or especially
22 adapted for use in the infringement of the D'237 patent, and is not a staple article or commodity of
23 commerce suitable for substantial noninfringing use.

24 106. Corel’s infringement is and has been willful, deliberate and intentional. On
25 information and belief, Corel had pre-suit knowledge of the Microsoft D'237 patent no later than
26 October 2009—March 2010 and deliberately copied the above-described patented functionality
27 into its products. To attract customers, Corel’s advertising emphasizes that Corel products mimic
28 the Ribbon interfaces of Microsoft products. Corel products suggest that customers simulate the

1 look and feel of Microsoft user interfaces. Corel has acted and continues to act in disregard of an
2 objectively high likelihood that its actions constituted direct and indirect infringement of a valid
3 patent, and knew or should have known of that objectively high risk.

4 **SEVENTH CLAIM FOR RELIEF**

5 **Infringement of the D'140 Patent**

6 107. Microsoft incorporates by reference the allegations of the preceding paragraphs of
7 its Complaint.

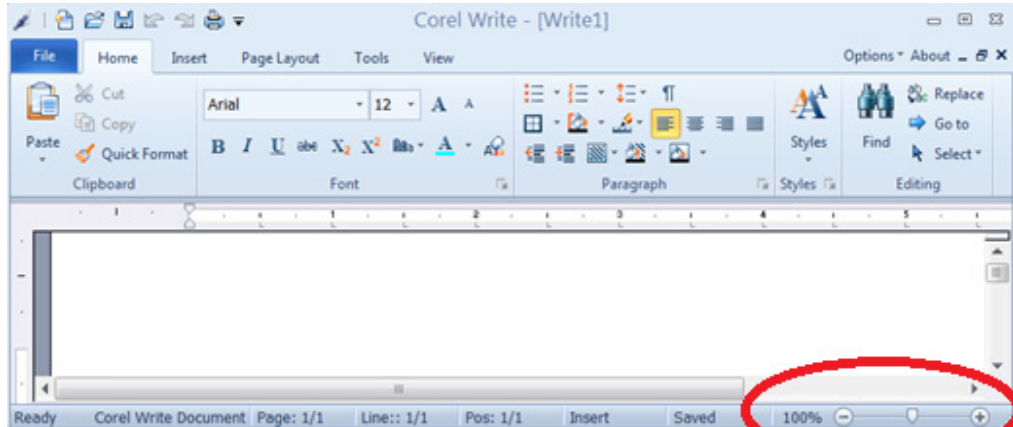
8 108. The D'140 patent is entitled "User Interface for a Portion of a Display Screen." A
9 true and correct copy of the D'140 patent is attached to this Complaint as Exhibit G.

10 109. Corel has directly infringed and continues to infringe the D'140 patent by making,
11 using, testing, selling, licensing, offering for sale within the United States and/or importing into
12 the United States at least the following products: Corel Home Office, including Corel Write,
13 Corel Calculate, and Corel Show (collectively "the D'140 Accused Products"), that incorporate a
14 user interface for a portion of a display screen identical to the D'140 patented design, for example
15 as shown below:

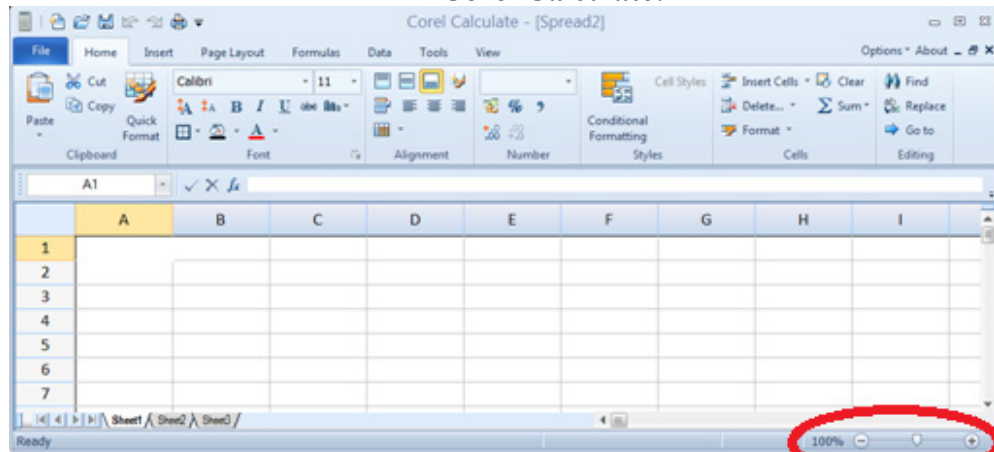
16
17 **The D'140 patent**



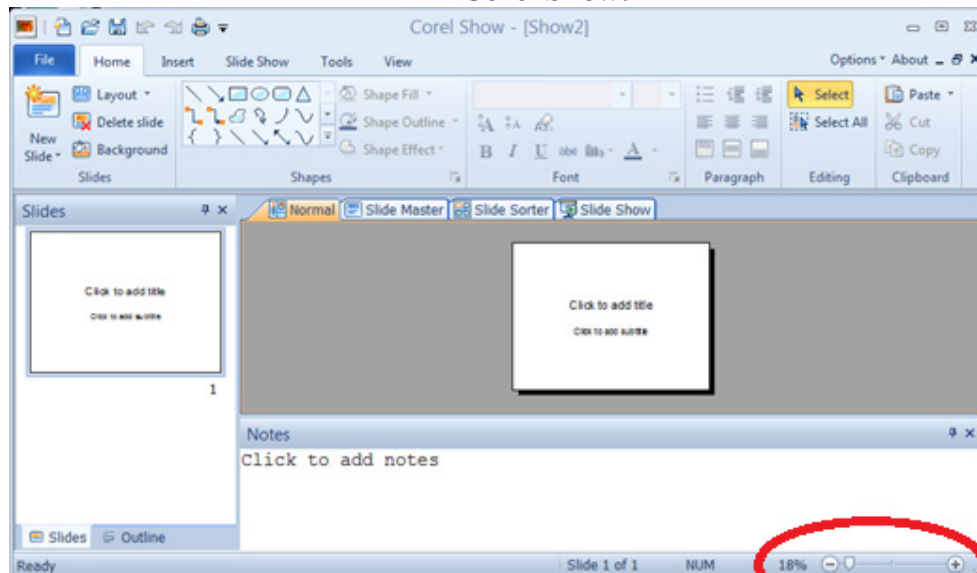
Corel Write:



Corel Calculate:



Corel Show:



110. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the D'140 Accused Products on such devices, have infringed and continue to infringe the D'140 patent. Corel is and has been aware of these activities and infringement.

111. Corel has knowingly induced and continues to induce users of computing devices to infringe the D'140 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*, <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office which includes Corel Write, Corel Calculate, and Corel Show); <http://www.corel.com/us/free-trials/?hptrack=mmtry> (“Try Corel software for free. No risk. No obligation. No credit card required!”); <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can assist you with orders, product registration, and any questions you may have.”); <http://learn.corel.com/?hptrack=mmrn> (“You’ll love these tips & tutorials”).)

112. Corel has contributed and continues to contribute to the infringement of the D'140 patent by users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the D'140 Accused Products on such devices, by providing the necessary software and related documentation, materials, marketing, advertising, training or support. For example, the above-shown design included in the D'140 Accused Products is a material component of the patented design. Corel knows and has known that this design is especially made or especially adapted for use in the infringement of the D'140 patent, and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

113. Corel’s infringement is and has been willful, deliberate and intentional. On information and belief, Corel had pre-suit knowledge of the Microsoft D'140 patent no later than October 2009—March 2010 and deliberately copied the above-described patented functionality into its products. To attract customers, Corel’s advertising emphasizes that Corel products mimic the Ribbon interfaces of Microsoft products. Corel products suggest that customers simulate the

look and feel of Microsoft user interfaces. Corel has acted and continues to act in disregard of an objectively high likelihood that its actions constituted direct and indirect infringement of a valid patent, and knew or should have known of that objectively high risk.

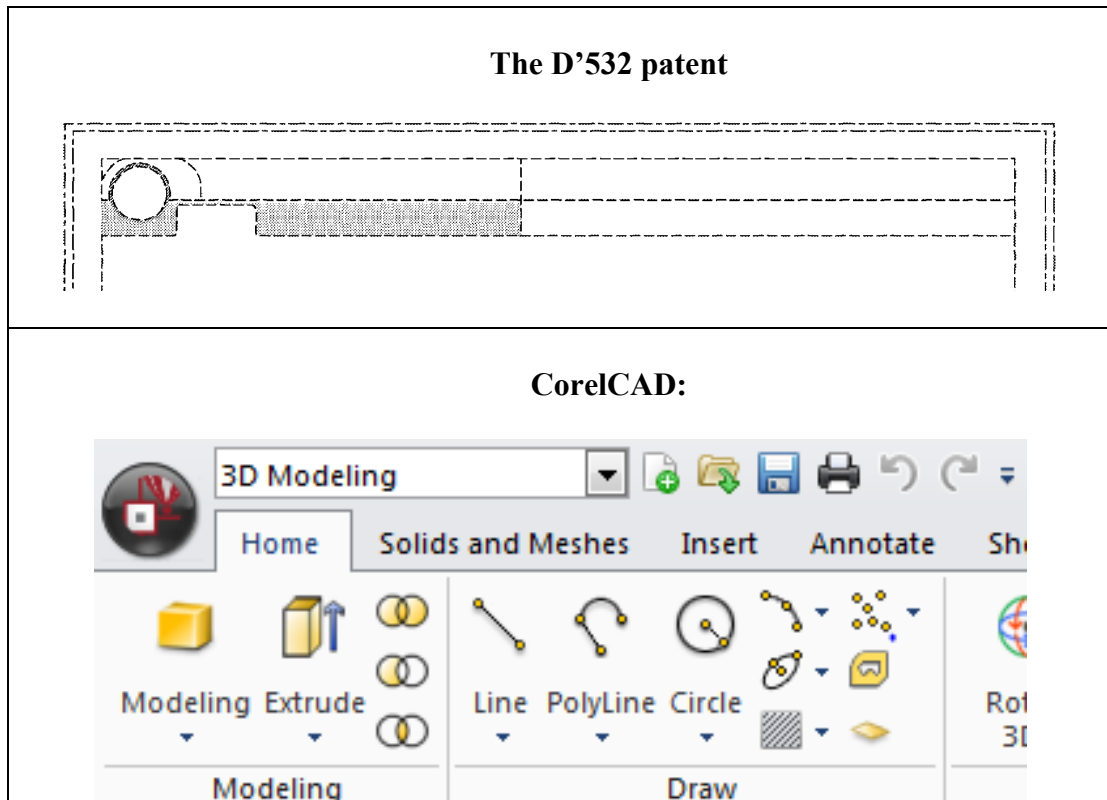
EIGHTH CLAIM FOR RELIEF

Infringement of the D'532 Patent

114. Microsoft incorporates by reference the allegations of the preceding paragraphs of its Complaint.

115. The D'532 patent is entitled "User Interface for a Portion of a Display Screen." A true and correct copy of the D'532 patent is attached to this Complaint as Exhibit H.

116. Corel has directly infringed and continues to infringe the D'532 patent by making, using, testing, selling, licensing, offering for sale within the United States and/or importing into the United States at least the following product: CorelCAD 2014 - 2016 (collectively "the D'532 Accused Products"), that incorporates a user interface for a portion of a display screen identical to the D'532 patented design, for example as shown below:



117. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the D'532 Accused Products on such devices, have infringed and continue to infringe the D'532 patent. Corel is and has been aware of these activities and infringement.

118. Corel has knowingly induced and continues to induce users of computing devices to infringe the D'532 patent, including by intentionally developing, making, marketing, advertising, and/or providing the software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*, <http://www.coreldraw.com/us/product/cad-software/?&gclid=CI0Bja6wv8kCFSISfgodJ9MJRA> (promoting Corel CAD); <http://www.corel.com/us/free-trials/?hptrack=mmtry> (“Try Corel software for free. No risk. No obligation. No credit card required!”); <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can assist you with orders, product registration, and any questions you may have.”); <http://learn.corel.com/?hptrack=mmrn> (“You’ll love these tips & tutorials”).)

119. Corel has contributed and continues to contribute to the infringement of the D'532 patent by users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the D'532 Accused Products on such devices, by providing the necessary software and related documentation, materials, marketing, advertising, training or support. For example, the above-shown design included in the D'532 Accused Products is a material component of the patented design. Corel knows and has known that this design is especially made or especially adapted for use in the infringement of the D'532 patent, and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

120. Corel’s infringement is and has been willful, deliberate and intentional. On information and belief, Corel had pre-suit knowledge of the Microsoft D'532 patent no later than October 2009—March 2010 and deliberately copied the above-described patented functionality into its products. To attract customers, Corel’s advertising emphasizes that Corel products mimic the Ribbon interfaces of Microsoft products. Corel products suggest that customers simulate the

1 look and feel of Microsoft user interfaces. Corel has acted and continues to act in disregard of an
2 objectively high likelihood that its actions constituted direct and indirect infringement of a valid
3 patent, and knew or should have known of that objectively high risk.

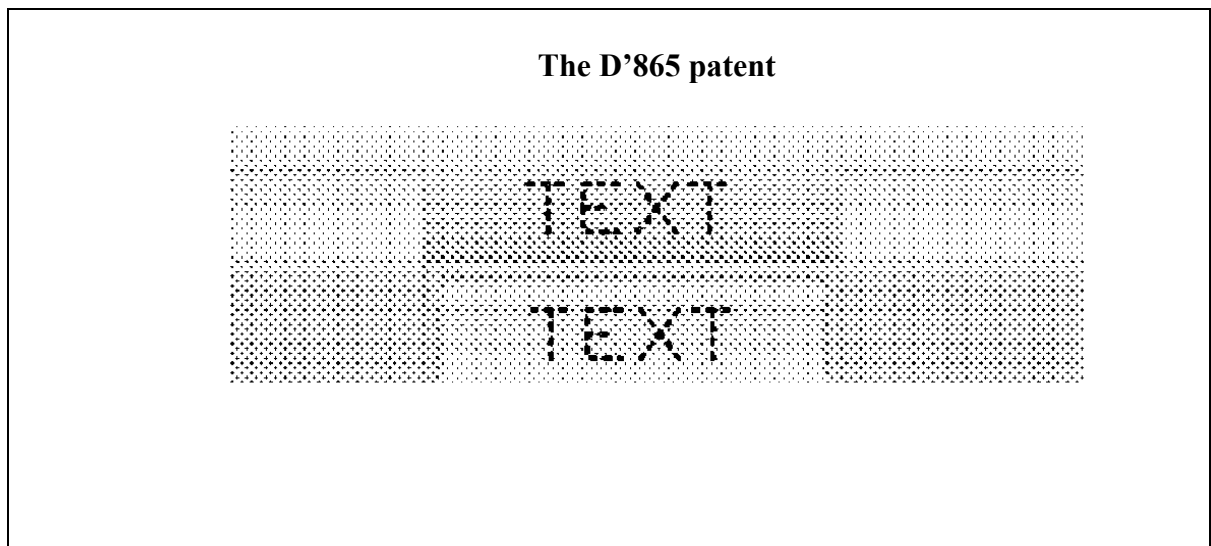
4 **NINTH CLAIM FOR RELIEF**

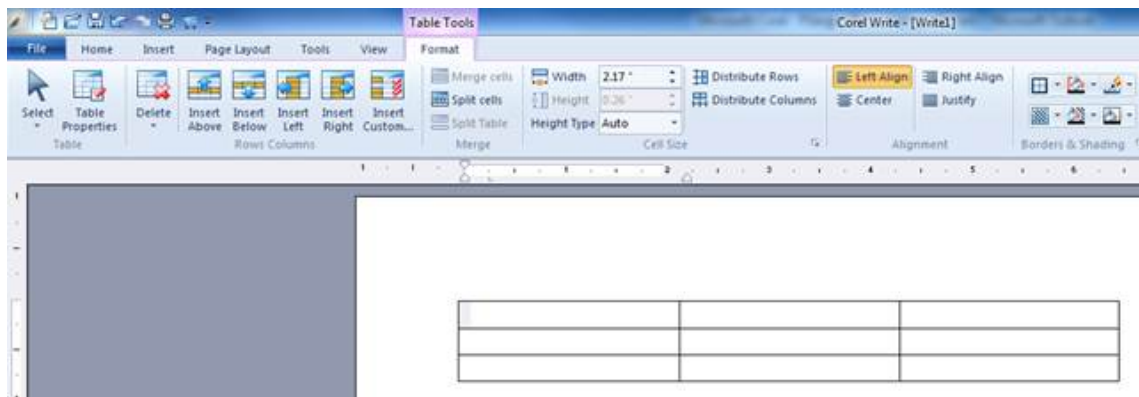
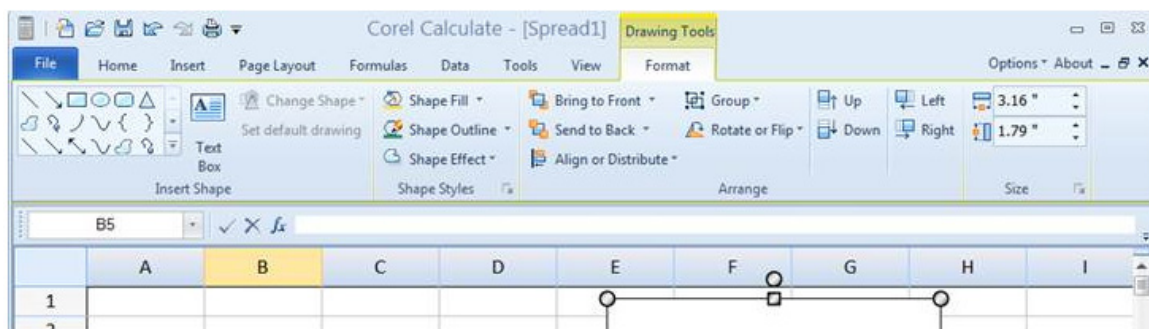
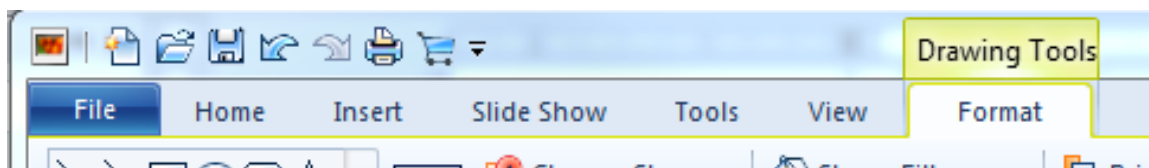
5 **Infringement of the D'865 Patent**

6 121. Microsoft incorporates by reference the allegations of the preceding paragraphs of
7 its Complaint.

8 122. The D'865 patent is entitled "User Interface for a Portion of a Display Screen." A
9 true and correct copy of the D'865 patent is attached to this Complaint as Exhibit I.

10 123. Corel has directly infringed and continues to infringe the D'865 patent by making,
11 using, testing, selling, licensing, offering for sale within the United States and/or importing into
12 the United States at least the following product: Corel Home Office, including Corel Write, Corel
13 Calculate, and Corel Show ("the D'865 Accused Products"), that incorporates a user interface for
14 a portion of a display screen identical to the D'865 patented design, for example as shown below:



Corel Write:**Corel Calculate:****Corel Show:**

124. Users of computing devices, including, for example, desktop, laptop, and tablet computers, who use, test, sell, license, offer for sale within the United States and/or import into the United States the D'865 Accused Products on such devices, have infringed and continue to infringe the D'865 patent. Corel is and has been aware of these activities and infringement.

1 125. Corel has knowingly induced and continues to induce users of computing devices
 2 to infringe the D’865 patent, including by intentionally developing, making, marketing,
 3 advertising, and/or providing the software, documentation, materials, training or support and
 4 aiding, abetting, encouraging, promoting or inviting use thereof. (*See, e.g.*,
 5 <http://www.wordperfect.com/us/product/corel-office-software/#tab1> (promoting Corel Office
 6 which includes Corel Show); <http://www.corel.com/us/free-trials/?hptrack=mmtry> (“Try Corel
 7 software for free. No risk. No obligation. No credit card required!”);
 8 <http://www.corel.com/us/support/?hptrack=mmsup> (“Corel Customer Service can assist you with
 9 orders, product registration, and any questions you may have.”);
 10 <http://learn.corel.com/?hptrack=mmllrn> (“You’ll love these tips & tutorials”).)

11 126. Corel has contributed and continues to contribute to the infringement of the D’865
 12 patent by users of computing devices, including, for example, desktop, laptop, and tablet
 13 computers, who use, test, sell, license, offer for sale within the United States and/or import into the
 14 United States the D’865 Accused Products on such devices, by providing the necessary software
 15 and related documentation, materials, marketing, advertising, training or support. For example,
 16 the above-shown design included in the D’865 Accused Products is a material component of the
 17 patented design. Corel knows and has known that this design is especially made or especially
 18 adapted for use in the infringement of the D’865 patent, and is not a staple article or commodity of
 19 commerce suitable for substantial noninfringing use.

20 127. Corel’s infringement is and has been willful, deliberate and intentional. On
 21 information and belief, Corel had pre-suit knowledge of the Microsoft D’865 patent no later than
 22 October 2009—March 2010 and deliberately copied the above-described patented functionality
 23 into its products. To attract customers, Corel’s advertising emphasizes that Corel products mimic
 24 the Ribbon interfaces of Microsoft products. Corel products suggest that customers simulate the
 25 look and feel of Microsoft user interfaces. Corel has acted and continues to act in disregard of an
 26 objectively high likelihood that its actions constituted direct and indirect infringement of a valid
 27 patent, and knew or should have known of that objectively high risk.

E. Corel's Infringement Has Caused and Will Continue to Cause Injury to Microsoft

128. Corel's infringement of each of the Microsoft Asserted Patents as pleaded above has caused injury to Microsoft in the past and will continue to cause injury in the future.

129. Microsoft is entitled to recover damages adequate to compensate for Corel's infringement, in an amount to be determined at trial. Such damages shall be in no event less than a reasonable royalty and should include lost profits and/or disgorgement of profits, to the extent permitted by law.

PRAYER FOR RELIEF

WHEREFORE, Microsoft prays that this Court enter judgment and provide relief as follows:

- (a) That Corel has directly infringed the Microsoft Asserted Patents;
- (b) That Corel has induced infringement of the Microsoft Asserted Patents;
- (c) That Corel has contributed to the infringement of the Microsoft Asserted Patents;
- (d) That Corel has willfully infringed the '828, '036, '980, D'237, D'140, D'532, and D'865 Microsoft Asserted Patents;
- (e) That Corel be ordered to account for and pay to Microsoft the damages resulting from Corel's infringement of the Microsoft Asserted Patents, together with interest and costs, and all other damages permitted by 35 U.S.C. §§ 284 and/or 289, including enhanced damages up to three times the amount of damages found or measured, and further including an accounting for infringing sales not presented at trial and an award by the court of additional damages for any such infringing sales;
- (f) That this case, including Corel's prosecution of its claims, be declared exceptional and Microsoft be awarded its costs, expenses, and reasonable attorneys' fees in this action pursuant to 35 U.S.C. § 285; and
- (g) That Microsoft be awarded such other equitable or legal relief as this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Microsoft demands a jury trial on all issues so triable.

Dated: December 18, 2015

FISH & RICHARDSON P.C.

By: /s/ Olga I. May

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